

Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation's voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill's provisions, either directly or indirectly, to interfere with North Dakota's ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its “voter challenge process” to get my esteemed colleague's perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified

elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit valid on its face, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, or in the case of a recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person's voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this current system satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota's open and accessible voting system. Our intent in drafting section 102 was to require that voters who were challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota's system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota's system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter's eligibility before the ballot is counted. Under North Dakota State law, as you have represented it to me, verification happens upon the execution of a written affidavit. The fact that the verification by the election official that is required under this bill occurs prior to the ballot being cast instead of after the ballot is cast is a function of North Dakota's registration-less system. It therefore satisfies all of the requirements of section 102(a).

I should point out that under subsection 102(a)(5), the individual who voted via affidavit will need to be provided written notification at the time he casts his or her ballot that he or she will not receive any further notification—because as a matter of state law, that person's vote has been counted. This could easily be done by handing out a generic form to each voter who votes via affidavit.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, today the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America's nuclear waste, all 70,000 tons. This recommendation came despite the objections of all the credible independent experts who have reviewed the project. I will name just few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog of Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted for its independence and veracity. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither “prudent” nor “practical.” That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is “weak.” That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest. That too is pretty direct.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist.

The President should demand sound science—peer-reviewed scientific evidence of the highest caliber—and wait

until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand additional targets, which the trucks and trains carrying nuclear waste would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, statements relating to the nominations be printed in the RECORD, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Federal-State agreements.

Sec. 3. Temporary extended unemployment compensation account.

Sec. 4. Payments to States having agreements under this Act.

Sec. 5. Financing provisions.

Sec. 6. Fraud and overpayments.

Sec. 7. Definitions.

Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—